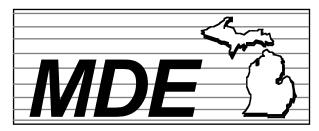
# Special Education Considerations in Student Discipline Procedures



Michigan Department of Education
Office of Special Education and
Early Intervention Services

March 6, 2000

Whenever a superscript (1, 2, or 3) is used in a box in the following flow charts, the reader may refer to this page for an explanation of the action or decision involved.

<sup>1</sup>On the day on which the decision is made to remove the student, the school provides parent notice of special education rights and procedures

This box refers to notice given to the parent whenever the school proposes to begin a discipline procedure that will result in an accumulation of more than **10 school days** of removal in a school year for a student who is receiving special education. Such a removal consitutes a proposed change in placement and triggers a parent notice required for special education action by the school. The notice is given on the day on which the decision to remove the student is made. The parents must be notified of the decision and provided procedural safeguards.

<sup>2</sup> The individualized educational planning team (IEPT) reviews the need for a Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP)

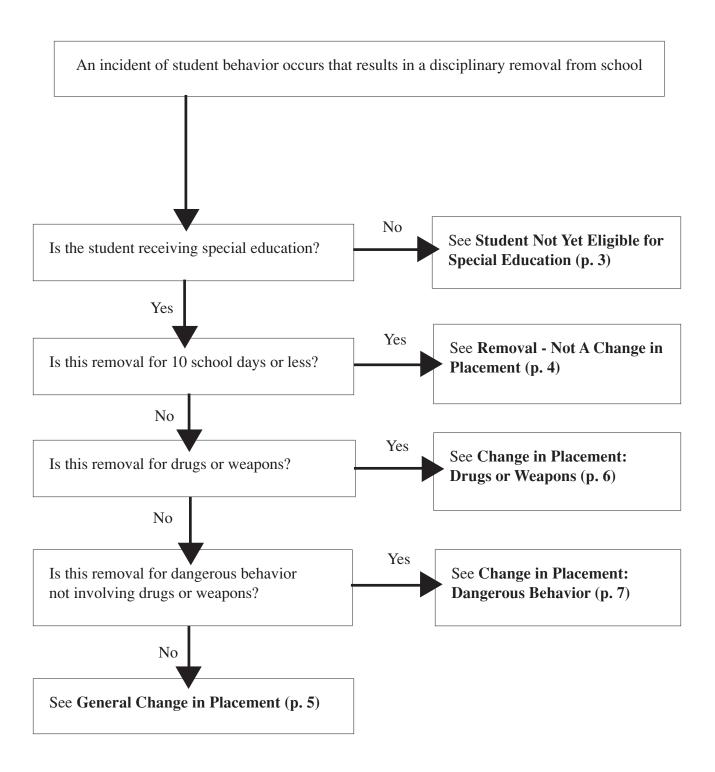
This box refers to an IEPT meeting to consider the status of an FBA and BIP for the student. Within **10 business days** after first removing a student for more than 10 school days, the IEPT must:

- 1. Review the appropriateness of a BIP if one already exists.
- 2. If a BIP does not exist, plan an FBA to complete a BIP as soon as practicable.
- 3. When further removals occur during the school year, meet to review the BIP upon request of any IEPT member.

<sup>3</sup>Does the IEPT consider the behavior a manifestation of the disability?

This box refers to an IEPT meeting (held within **10 school days** of the decision to remove a student from school for discipline) in which the relationship between the behavior subject to discipline and a disability are determined. A behavior is **not** considered a manifestion of a disability **only if**:

- A. The IEPT first considers:
  - 1. Evaluation and diagnostic results;
  - 2. Observations of the student:
  - 3. The individualized education program (IEP) and placement.
- B. And then determines that all of the following are true:
  - 1. The IEP and placement were appropriate;
  - 2. Supplementary aids and services were provided consistent with the IEP;
  - 3. Behavioral interventions were provided consistent with the IEP;
  - 4. The student understood and could control the behavior.



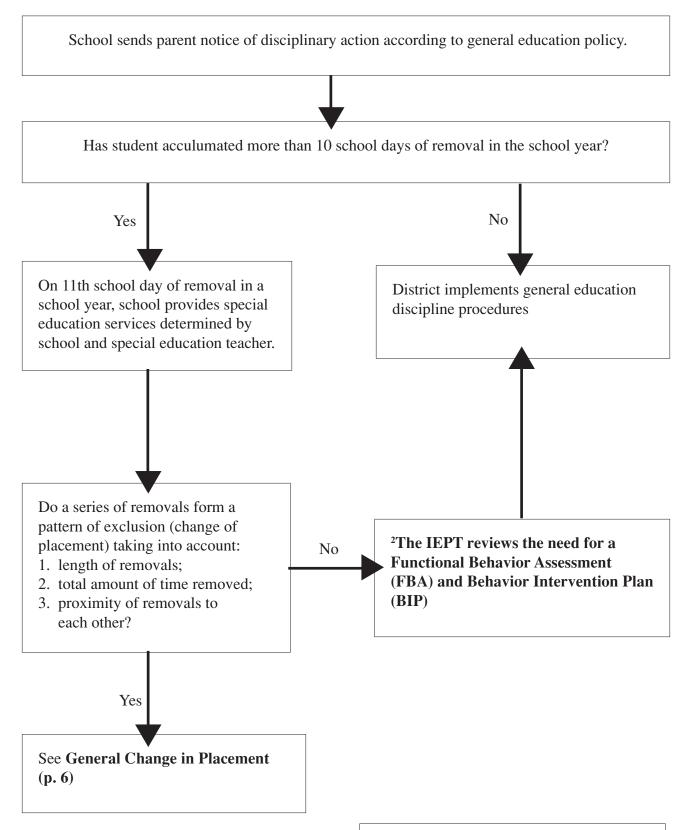
## Student Not Yet Eligible for Special Education

(Student is not currently in referral and does not currently receive special education)

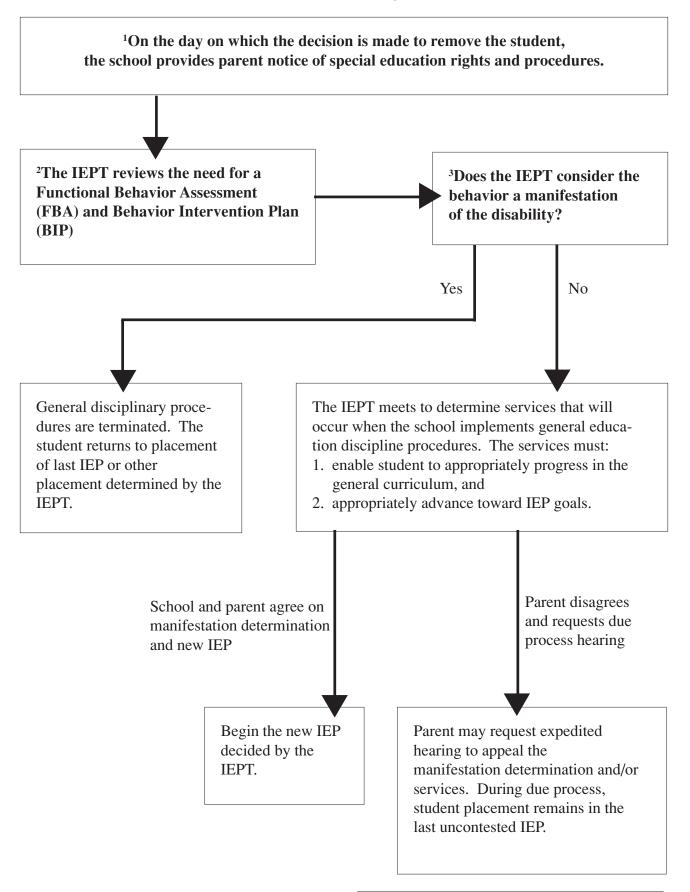
School sends parent notice of disciplinary action according to general education policy. Are any of the following true? 1. Parent expressed concerns in writing to school personnel? 2. Student behavior or performance shows need for special education? No Yes 3. Parent request for special education evaluation prior to incident? 4. Teacher or other personnel have expressed concern via Child Find or referral procedures? Is parent or other No person requesting an evaluation after the incident? **Immediate** evaluation per district procedures Yes Student may assert protections from **Immediate** procedures for elievaluation per gible students until district procedures eligiblity is resolved (see other charts) District implements general education discipline procedures which can include removal without educational services (concurrent with evaluation if requested after the incident).

# Removals Not A Change of Placement

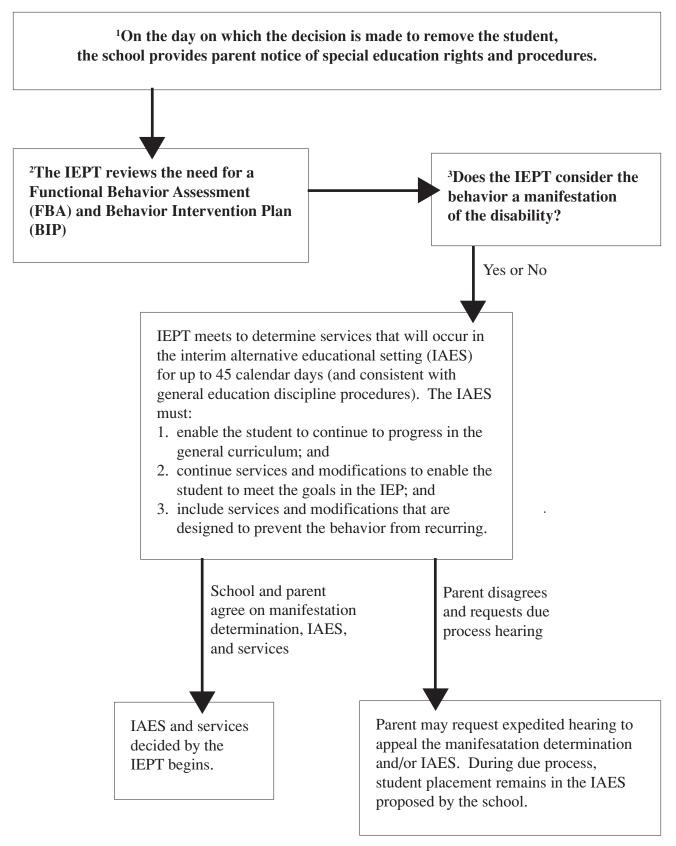
(10 or less school days per incident)



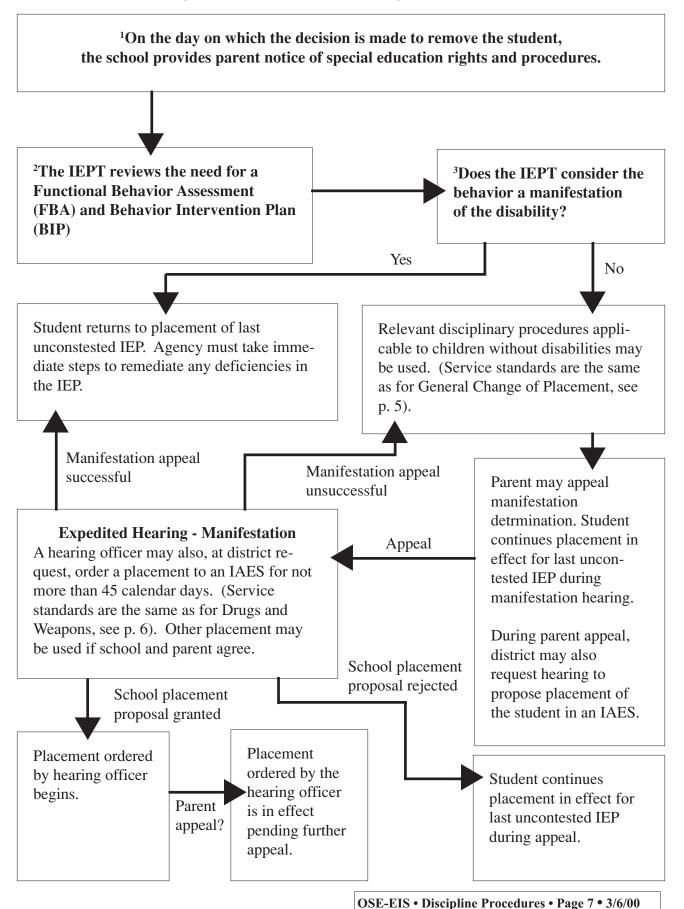
## Removals - General Change of Placement



# Change of Placement: Drugs or Weapons



# Change of Placement: Dangerous Behavior



### Questions and comments about this docuement may be directed to:

### **John Dickey**

phone: (517) 373-1696

email: dickey.john@state.mi.us

### **James Paris**

phone: (888) 320-8384

(517) 335-0474

email: paris.jim@state.mi.us

at:

### Michigan Department of Education Office of Special Education and Eraly Intervention Services

PO Box 30008

Lansing, Michigan 48909 phone: (517) 373-0923 fax: (517) 373-7504